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STATE FOR NEA/MAG

E.O. 12958: DECL: 2/4/2020  
TAGS: PGOV, PREL, PHUM, PINR, LY  
SUBJECT: MINISTER OF JUSTICE TRIES, AND FAILS, TO RESIGN

REF: A) 09 TRIPOLI 1021; B) 09 TRIPOLI 862

CLASSIFIED BY: Gene A. Cretz, Ambassador, U.S. Embassy Tripoli,  
Department of State.

REASON: 1.4 (b), (d)

1. (C) Summary: Following his dramatic resignation before the General People's Congress on January 28, Minister of Justice Mustafa Abduljalil appears to remain on the job. Sources in the Ministry of Justice said the resignation was not accepted and that plans are proceeding for Abduljalil's official trip to Turkey in mid-February. Some observers believe that Muammar al-Qadhafi -- who publicly rebuked Abduljalil -- prefers to fire him on his own terms, while others believe Abduljalil's backer Saif al-Islam al-Qadhafi will not let him resign. Abduljalil's attempted resignation took place against the backdrop of a roiling political environment and could have implications for Libya's criminal code reform efforts. End Summary.

2. (SBU) Libyan press reported January 28 that Minister of Justice Mustafa Abduljalil had submitted his resignation to the General People's Congress (GPC, parliament-equivalent) due to his "inability to overcome the difficulties facing the judicial

sector." He cited the injustice of the Libyan government's decision to keep 300 citizens in prisons, in spite of judicial rulings overturning previous convictions, while the GOL released convicted prisoners on death-row without informing the families of their victims, as required by Shari'a law.

3. (C) Initial local reaction to the news was mixed. Libyan leader Muammar al-Qadhafi, in his closing remarks to the annual GPC session answered Abduljalil's accusations, stating that most of the 300 prisoners "are al Qaeda members, who killed Libyans," and proclaiming that "security is above all considerations." He declared Abduljalil's statements to be out of place, proclaiming, "The Minister of Justice had the right to say what he said, but he should not have said it here." Libyan observers speculated that Abduljalil's resignation would not be accepted by the Libyan regime, which prefers to dismiss officials on its own terms. Human Rights Watch representatives, who praised Abduljalil for his work on Libya's criminal code reform, worried that his departure would be a step backward for the justice system (Ref A). The Embassy's local staff reports that citizens in Eastern Libya, particularly in Benghazi (a historically disenfranchised part of the country under the Qadhafi regime), where most of the families of the victims of the 1986 Abu Salim prison riots reside, were proud of Abduljalil for standing up to an unjust regime. These families reportedly protest regularly in the name of innocent prisoners still held at Abu Salim and other prisons that are controlled by the Libyan Internal Security Organization, outside the jurisdiction of the Ministry of Justice (MOJ).

4. (C) MOJ officials who have close working relationships with the Embassy refused to answer their phones from January 28 through February 1. On February 2, the MOJ Head of International Cooperation told Econoff that Abduljalil's resignation was not accepted and that he remains in place. In fact, the Minister had been planning an official trip to Turkey in mid-February, and plans are moving ahead for that trip.

5. (C) One Libyan contact reported that Abduljalil, who is considered to be a fair-minded technocrat, was put in his position by Saif al-Islam al-Qadhafi and would not be able to leave the position without Saif's blessing. The contact stated that "nobody, not Baghdadi (al-Baghdadi al-Mahmoudi, PM-equivalent) or Zwai (Mohamed Zwai, Secretary General of the GPC) can remove him from his position if Saif put him there." He believed that only Saif or his father held the power to decide Abduljalil's fate and that if they did want him to leave his position, the announcement would be made when the timing was best for them, such as after they had identified an acceptable alternative for the position. Pointing to National Oil Company Chairman Shukri Ghanem's attempted resignation last October (Ref B), this contact said, "In Libya, he who puts you in has to take you out."

6. (C) Comment: Abduljalil's attempted resignation took place against the backdrop of political turmoil that has followed the October 2009 announcement of Muammar al-Qadhafi's plans to

appoint Saif al-Islam Qadhafi as "General Coordinator." The complete absence of any discussion of the General Coordinator position at the January GPC furthered the growing uncertainty surrounding the Libyan political structure. This is likely not the final installment in Abduljalil's political drama, and his attempted resignation could have implications for Libya's criminal code reform efforts. End Comment.

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